

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2014-112325-001 DT

01/21/2015

HON. ROSA MROZ

CLERK OF THE COURT  
J. Matlack  
Deputy

STATE OF ARIZONA

KRISTIN NORDEEN

v.

BRANDICE KATRINE LINDBERG (001)

GUY BROWN

ORDER ENTERED

The Court has received Defendant's Expedited Motion to Suppress filed on December 4, 2014, the State's Motion to Strike Defendant's Motion to Suppress filed on January 5, 2015, and the Defendant's Reply/Response filed on January 13, 2015. There are no specific circumstances alleged in the Defendant's Motion. The Defendant merely states as follows:

All information contained herein has been gathered through review of the police reports, state's disclosure, and witness statements. Brandice Lindberg makes no admissions as to any of the elements of the charges. Brandice Lindberg was seized on March 15, 2014. There was no arrest warrant ever issued.

This is deficient and in violation of Criminal Rule 35.1(a)(motions shall accompanied by a brief memorandum stating the specific factual grounds therefor and indicating the precise legal points, statutes, and authorities relief upon) and Criminal Rule 16.2(b)(the prosecutor's burden of proof shall arise only after the defendant has come forward with evidence of specific circumstances which establish a prima facie case that the evidence taken should be suppressed).

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Because the Defendant's Expedited Motion to Suppress does not contain any evidence of specific circumstances which establish a prima facie case that evidence should be suppressed,

**IT IS ORDERED** granting the State's Motion to Strike Defendant's Motion to Suppress. *See State v. Anaya*, 170 Ariz. 436, 825 P.2d 961 (App. 1992) (defendant's motion to suppress statement which is unsupported by any factual allegations was insufficient to raise issue of voluntariness of defendant's statements.). *See also State v. Hyde*, 186 Ariz. 252, 921 P.2d 655 (1996) (The "burden of going forward" requires the defense to produce sufficient preliminary evidence before the party with the burden of persuasion must proceed with its evidence.). Defendant may re-file these motions once she has complied with the requirements of Rules 35.1(a) and 16.2(b), Ariz. R. Crim. Pro. Furthermore, if the Defendant wants this Court to consider the Motion on an expedited basis, she should specifically state the reasons why the motion needs to be considered on an expedited basis.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.